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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,910	07/14/2000	Tony Moutaux	Q59816	7028

7590

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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/616,910	MOUTAUX ET AL.	
	Examiner	Art Unit	
	Vernal U Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to amendment filed February 06, 2003.

Response to Amendment

The examiner has acknowledged the amended claims 1-10, the amended abstract and the title.

Response to Arguments

Applicant's arguments filed January 03, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and there must be some reason why one skilled in the art would be motivated to make propose combination of primary and secondary references. In re Nomiya, 184 USPTQ 607 (CCPA 1975). However there is no requirement that a motivation to make the modification to be expressly articulated. The test for combining references is what the combination disclosures taken as a whole would suggests to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA). The rejection of claims 1-10 is based on the combine teachings of Pope and Goldstein. Pope teaches a telecommunication system comprising a controller (12) to be coupled to a network and comprising a controller-generator for generating at least one device-signal destined for at least one device (figure 1), a first device (14) coupled to the controller and comprising a first device receiver for receiving at least one device-signal (figure 1), a second device (16) coupled to the controller and comprising a second device receiver for receiving at least one device-signal (figure 1), a remote control unit (10) for sending control signal for controlling the devices (col. 4

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lines 17-20). Pope teaches the remote control receiving control information from a controller and storing the code in memory (col. 4 lines 53-57) but is silent on teaching the remote controller receiving the control codes as claimed by the applicant. The teachings of Goldstein is used to show a method of receiving the control codes that includes requesting (triggering) and receiving an interface from the controller (6) through a bi-directional communication link (col. 12 lines 2533) as claimed by the applicant. The cable box is considered a controller because it performs control operation (col. 15 lines 40-46 and col. 16 lines 28-32). Therefore Goldstein cable converter generates signals that are used to program the remote controller. The remote controller then sends those signals to appliances (TV) to control such functions as volume.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pope U.S Patent 5963624 in view of Goldstein U.S Patent 5410326.

Regarding claim 1, Pope teaches a telecommunication system comprising a controller (12) to be coupled to a network and comprising a controller-generator for generating at least one device-signal destined for at least one device (figure 1), a first device (14) coupled to the controller and comprising a first device-receiver for receiving at least one device-signal (figure 1), a second device (16) coupled to said controller and comprising a second device receiver for receiving at least one device-signal (figure 1), a remote control unit (10) for sending control signal for controlling the devices (col. 4 lines 17-20). Pope also teaches the remote control receiving control information from a controller and storing the code in memory (col. 4 lines 53-57) but is however silent on teaching the controller (10) sending an interface in response to a trigger-signal to the remote control. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices teaches a remote control requesting (triggering) and receiving an interface from the controller (6) through a bi-directional communication link (col. 12 lines 25-33).

It would have been obvious to one of ordinary skill in the art for the controller to send an interface in response to a trigger signal from the remote control and for the remote control to received the interface from the controller in Pope as evidenced by Goldstein because Pope teaches remote receiving control code from other controllers and storing the control codes in memory and Goldstein teaches a telecommunication system in which the remote control received interface from the controller in order to provide updated codes and menu to the remote control.

Regarding claim 2, Pope is silent on teaching the control unit is adapted for sending the trigger signal. Goldstein in an art related Programmable Remote Control Device For Interacting

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With A Plurality of Remotely Controlled Devices teaches the remote control communicating with the controller (6) over a bi-directional communication link (col. 12 lines 15-16). The controller (cable converter) transmits operating information and infrared codes to the remote control. The transmission of the interface to the remote control is triggered by the user touching icons on the touch screen of the remote control unit (col. 9 lines 40-42).

It would have been obvious to one of ordinary skill in the art for the control unit to be adapted for sending the trigger signal in Pope as evidenced by Goldstein because Pope suggests a remote control transmitting and receiving control codes and Goldstein teaches a controller transmitting interface to the remote control triggered by the remote control in order to obtain the necessary code to control the devices.

Regarding claims 3, Pope is silent on teaching the trigger signal comprises an identification code for identifying a user. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices teaches the remote control device having an identification and only remote control with an identification number is able to communicate with the (cable converter) controller (col. 4 lines 59-65) and each remote has its unique identification (col. 5 lines 1-5). Therefore one skilled in the art recognizes that transmission of any signal to the remote including the trigger signal from the controller includes an identification number.

It would have been obvious to one of ordinary skill in the art for the trigger signal to have an identification code in Pope as evidenced by Goldstein because Pope suggests a remote control transmitting and receiving control codes and Goldstein teaches a remote control having an identification and only remote control with an identification number is able to communicate with

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the controller and one skilled in the art recognizes that transmission of any signal to the remote including the trigger signal from the controller includes an identification number so as to prevent other communicating devices from communicating with the controller.

Regarding claim 4, Pope teaches the controller (12) receiving digital data and the control word is stripped from the received digital data by the processor and determines if the control word is an appliance control code (col. 5 lines 5-8). If the control word is an appliance control code the infrared transmitter transmit the control code to the appliance (col. 5 lines 7-10). Pope teaches the controller transmitting control (trigger) signal to a plurality of devices (figure 1). Therefore each code inherently indicates the device the code is intended for because each device has its unique code.

Regarding claim 5, Pope teaches the remote control having a learning mode to learn control code (col. 4 lines 59-61) but is silent on teaching the controller detecting an interface amendment and the controller is adapted for sending a request signal destined for the remote control unit. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices invention teaches the control unit (cable converter) transmitting amendments in the form of operating system, infrared codes, and advertising messages over the bi-directional bus to the remote unit (col. 12 lines 23-27). The Controller therefore inherently has a means of detecting such amendment in order to know when to transmit such information to the remote control.

It would have been obvious to one of ordinary skill in the art to for the controller to detect an interface amendment and the controller is adapted for sending a request signal destined for the

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remote control unit in Pope because Pope teaches a remote control transmitting and receiving information from the controller and learning control codes and Goldstein teaches the control unit (cable converter) transmitting amendments in the form of operating system, infrared codes, and advertising messages over the bi-directional bus to the remote unit.

Regarding claim 6, Pope teaches the control-unit memory is random access (RAM) (col. 4 lines 29-30) and the data stored in such memory is capable of been overwritten but is silent on teaching the control unit memory where the interface is stored becomes overwritten in response to a trigger signal. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices invention teaches the various interface is received by the remote control and stored in a RAM (col. 12 lines 45-47). The remote control received upgrade information from the cable converter (col. 18 lines 15-22) therefore memory storing the original information is overwritten on the receipt of new programming information by the remote control.

It would have been obvious to one of ordinary skill in the art for the control unit memory where the interface is stored to become overwritten in response to a trigger signal in Pope because Pope suggests a random access memory for storing the appliance control codes and Goldstein teaches a remote control receiving various new interfaces and storing the interface in a RAM and overwriting the original interfaces in order to provide users with new interface upgrades.

Regarding claim 7, Pope teaches a controller (12) coupled to a network and for use in a telecommunication system (figure 1) comprising a controller generator (36) for generating

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signals destined for the devices (figure 1), devices receiving signal from the controller (figure 1), remote control unit (10) sending control signal to the devices (col. 4 lines 17-20). Pope also teaches the remote control receiving control information from a controller and storing the code in memory (col. 4 lines 53-57) but is however silent on teaching the controller (10) sending an interface in response to a trigger-signal to the remote control. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices teaches a remote control requesting (triggering) and receiving an interface from the controller (6) through a bi-directional communication link (col. 12 lines 25-33).

It would have been obvious to one of ordinary skill in the art for the controller to send an interface in response to a trigger signal from the remote control and for the remote control to received the interface from the controller in Pope as evidenced by Goldstein because Pope teaches remote receiving control code from other controllers and storing the control codes in memory and Goldstein teaches a telecommunication system in which the remote control received interface from the controller in order to provide updated codes and menu to the remote control.

Regarding claim 8, Pope teaches a controller (12) coupled to a network and for use in a telecommunication system (figure 1) comprising a controller generator (36) for generating signals destined for the devices (figure 1), devices receiving signal from the controller (figure 1), remote control unit (10) sending control signal to the devices (col. 4 lines 17-20). Pope teaches the controller (12) receiving digital data (trigger) and the control word is stripped from the received digital data by the processor and determines if the control word is an appliance control code (col. 5 lines 5-8). If the control word is an appliance control code the infrared transmitter transmits the control code to the appliance (col. 5 lines 7-10). Pope teaches the controller

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transmitting control (trigger) signal to a plurality of devices (figure 1). Therefore each code inherently indicates the device the code is intended for because each device has its unique code. Pope is however silent on teaching the controller (10) sending an interface in response to a trigger-signal to the remote control. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices teaches a remote control requesting (triggering) and receiving an interface from the controller (6) through a bi-directional communication link (col. 12 lines 25-33).

It would have been obvious to one of ordinary skill in the art for the controller to send an interface in response to a trigger signal from the remote control and for the remote control to received the interface from the controller in Pope as evidenced by Goldstein because Pope teaches remote receiving control code from other controllers and storing the control codes in memory and Goldstein teaches a telecommunication system in which the remote control received interface from the controller in order to provide updated codes and menu to the remote control.

Regarding claim 9, Pope teaches a telecommunication system comprising a controller (12) to be coupled to a network and comprising a controller-generator for generating at least one device-signal destined for at least one device (figure 1), a first device coupled to said controller and comprising a first device-receiver for receiving at least one device-signal, a second device coupled to said controller and comprising a second device receiver for receiving at least one device-signal (figure 1), a remote control unit (10) for sending control signal for controlling the devices (col. 4 lines 17-20). Pope also teaches the remote control receiving control information

from a controller and storing the code in memory (col. 4 lines 53-57) but is however silent on teaching the controller (10) sending an interface to the remote control. Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices teaches a remote control receiving an interface from the controller (6) through a bi-directional communication link (col. 12 lines 25-33).

It would have been obvious to one of ordinary skill in the art for the controller to send an interface to the remote control in Pope as evidenced by Goldstein because Pope teaches remote control receiving control code from other controllers and storing the control codes in memory and Goldstein teaches a telecommunication system in which the remote control received interface from the controller in order to provide updated codes and menu to the remote control.

Regarding claim 10, Pope teaches a telecommunication system comprising a controller (12) to be coupled to a network and comprising a controller-generator (36) for generating at least one device-signal destined for at least one device (figure 1), a first device (14) coupled to the controller and comprising a first device-receiver for receiving at least one device-signal (figure 1), a second device (16) coupled to said controller and comprising a second device receiver for receiving at least one device-signal (figure 1), a remote control unit (10) for sending control signal for controlling the devices (col. 4 lines 17-20). Goldstein in an art related Programmable Remote Control Device For Interacting With A Plurality of Remotely Controlled Devices teaches a remote control requesting (triggering) and receiving an interface from the controller (6) through a bi-directional communication link (col. 12 lines 25-33).

It would have been obvious to one of ordinary skill in the art for the controller to send an interface in response to a trigger signal from the remote control and for the remote control to

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received the interface from the controller in Pope as evidenced by Goldstein because Pope teaches remote receiving control code from other controllers and storing the control codes in memory and Goldstein teaches a telecommunication system in which the remote control received interface from the controller in order to provide updated codes and menu to the remote control.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Vernal Brown
April 17, 2003


BRIAN ZIMMERMAN
PRIMARY EXAMINER